

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

- - - In the Matter of the Application of - -) PUC Docket 2009-0108
PUBLIC UTILITIES COMMISSION)
Instituting a Proceeding to)
Investigate Proposed Amendments)
To the Framework for Integrated)
Resource Planning.)

LIFE OF THE LAND'S
MOTION TO INTERVENE

&

CERTIFICATE OF SERVICE

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PUBLIC UTILITIES
COMMISSION

2009 MAY 22 P 3:59

FILED

Aloha Commissioners,

This Motion to Intervene is filed according to the requirements of Hawaii Administrative Rules ("HAR") §6-61-55 Intervention⁴. (a) A person may make an application to intervene and become a party by filing a timely written motion in accordance with sections 6-61-15 to 6-61-24, section 6-61-41, and section 6-61-57, stating the facts and reasons for the proposed intervention and the position and interest of the applicant.

A person may make an application to intervene (HAR §6-61-55(a)). Life of the Land ("LOL") is a person as defined by HAR §6-61-2. LOL will be represented by LOL's Vice President for Consumer Issues, Henry Curtis; and by LOL's Vice President for Social Justice, Kat Brady, in accordance with HAR §6-61-12.

1) Timeliness. Our motion to intervene is timely. The Public Utilities Commission ("Commission") opened the Proposed Amendments to the Framework for Integrated Resource Planning ("Application") on May 14, 2009. Our Motion to Intervene was filed on May 22, 2009, which is within 20 days after the Application was filed.

2) The nature of the applicant's statutory or other right to participate in the hearing. We recognize that the Commission has the discretion to determine whether we are permitted to intervene in this docket. Life of the Land (LOL) is a 39-year old non-profit organization.

The LOL Board of Directors adopted Energy Policy Goals and Objectives (July 13, 1981). "Goal: To meet the State's energy needs through conservation and low-cost, non-polluting resources." LOL's Board of Directors is authorized to act on behalf of its members. On Friday, September 22, 2000, the LOL Board of Directors approved continuing to intervene in energy dockets as a means of promoting sustainable policies. Henry Curtis, Vice-President for Consumer Affairs, is authorized by the LOL Board of Directors to represent LOL before the PUC in accordance with HRS Section 6-61-12. We have been a party in 20 PUC regulatory proceedings.

3) The nature and extent of the applicant's property, financial, and other

interest in the pending matter;

LOL is a non-profit Hawaii-based organization. Our members live, work and recreate in Hawaii. Life of the Land is concerned with many issues including those related to the environment, climate, justice, equity, and life cycle impacts. Life of the Land has a holistic approach which includes: (1) Transparency/Sunshine; (2) Life Cycle Social Impacts; (3) Life Cycle Environmental Impacts; and (4) Life Cycle Financial Impacts

4) The effect of the pending order as to the applicant's interest;

The amendments to the Integrated Resource planning Framework will shape energy planning for years to come. It must allow for serious alternative scenarios. The continued use of fossil fuels, the rate of the shift to renewable energy, and the path taken significantly affects LOL and our members. Global Greenhouse gas emissions must be reduced. This docket may greatly impact the use of renewable energy but the devil is in the details.

5) Other Means Available Wherein Applicant May Protect His Interest.

There are no other means available to protect our interests.

6) Other Parties Do Not Represent LOL's Interests.

The existing parties will are the fossil fuel based utilities and the Consumer Advocate which protects consumers interests. LOL represents environmental, social and holistic interests. Consumer and environmental issues are distinct, although they overlap. A minimal divergence is sufficient for separate representation. In most dockets that are or have recently been before the Commission, LOL's position has been significantly different from the Consumer Advocate. For self-serving reasons, and without credibility, HECO has often argued that the Consumer Advocate represents our position. A simple reading of relevant dockets reveals the truth.

7) LOL's Participation will Assist the Development of a Sound Evidentiary Record.

We offer a unique perspective. We intend to present a proactive case,

supported by expert witnesses and exhibits, which will provide to the Commission alternate scenarios. Our participation will enable the Commission to view and consider all of the pertinent available information needed to make a sound decision. Expert Witness Henry Curtis has been active in multiple Integrated Resource Planning dockets and proceedings on several islands.

8) LOL's Participation Will Neither Unduly Broaden The Issues Nor Delay This Proceeding.

Our comments, testimonies, expert witnesses and exhibits will be provided so as to strengthen the defensibility of the PUC decision. We do not seek to muddy the waters, but rather to bring clarity to the issues at hand.

9) LOL's Interests Differ From Those Of Those Of The General Public.

The Consumer Advocate is bound by the law to represent the interests of the general public, that is, the consumers of utility services. Traditionally, they wait till all the facts are in before jumping to a conclusion. In recent cases, the Consumer Advocate has agreed to a unified position with the utility. There is nothing in the existing record that indicates that any of the issues that are of concern to Life of the Land -- including those related to the environment, climate, justice, equity, and life cycle impacts -- is being represented.

10) Whether the applicant's position is in support of or in opposition to the relief sought. Life of the Land supports policies which will decrease our use of fossil fuel and decrease our greenhouse gas emission footprint. This docket is complex. We agree in part with some of it and disagree in part with other parts of it, however, in the end, it is the details that will make the final policy wise or foolish.

11) Parties and Participants. Life of the Land prays that the Commission has a liberal approach to admitting parties to transformational policy dockets.

CERTIFICATE OF SERVICE

The foregoing Motion to Intervene was filed with the Public Utilities Commission (8 copies) and served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

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Certificate of Service
Page 2

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Dated: May 22, 2009, Honolulu, HI


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